

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PRESERVE OUR ISLANDS, a Washington  
Non-profit Corporation; PEOPLE FOR  
PUGET SOUND, a Washington Non-profit  
Corporation; WASHINGTON  
ENVIRONMENTAL COUNCIL, a  
Washington Non-profit Corporation;

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et  
al

Defendants,

and

NORTHWEST AGGREGATES  
COMPANY,

Defendant-Intervenors.

NO. C08-1353-RSM

DECLARATION OF  
KATHY FLETCHER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FEES  
AND EXPENSES

I, KATHY FLETCHER, declare as follows:

1. I am the executive director for plaintiff People for Puget Sound ("PPS") and  
am competent to testify in this matter. This declaration is offered in support of plaintiffs'

DECLARATION OF KATHY FLETCHER  
(C08-1353-RSM)- 1

GENDLER & MANN, LLP  
1424 Fourth Avenue, Suite 1015  
Seattle, WA 98101  
Phone: (206) 621-8868  
Fax: (206) 621-0512

1 motion for attorneys fees and expenses pursuant to the Equal Access to Justice Act, 28  
2 U.S.C. §2412. The information in this declaration is based on my personal knowledge.

3 2. PPS is a qualified "party" pursuant to 28 U.S.C. §2412(d)(2)(B). PPS is a  
4 federal 501(c)(3) tax exempt organization. PPS also has a net worth of less than  
5 \$7,000,000 and employs less than 500 people.  
6

7 3. As we prepared to move forward with this litigation, we recognized that we  
8 would need attorneys with exceptional legal skills, experience and knowledge of both  
9 NEPA and the ESA in order to prevail. We recognized also that due to the extensive  
10 administrative record spanning several years that we would need somebody with a solid  
11 understanding of the history and facts and the ability to efficiently review and understand  
12 the record. Because of his extensive experience and solid legal reputation local community  
13 we retained David Mann of Gendler & Mann, LLP, to represent us. I believe Mr. Mann is  
14 one of the only local Seattle area attorneys that was both qualified and willing to handle  
15 this complex matter for us.  
16

17 4. I understand that the base rate for attorneys' fees under EAJA is \$125 per  
18 hour. I do not believe it is possible to find a local attorney in the Seattle area with the  
19 necessary skills and experience to handle litigation like this case at anywhere near that rate.  
20

21 I declare under penalty of perjury under the laws of the State of Washington that  
22 the foregoing is true and correct.  
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1 Dated this 9<sup>th</sup> day of September, 2009, in Seattle, Washington.

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6 Kathy Fletcher  
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